



### REMARKS

Applicant has reviewed and considered the Office Action dated January 9, 2001. In response thereto, claim 8 is amended, claims 10 and 11 has re-write to the claim 8, claim 21 is added, the supportive reference can be found in the original application ( line 15, page 2; line 4, page 3; and Figures 4 and 5 ). As a result, claims 8, 20, and 21 are pending in the present application. Reconsideration of the present application is respectfully requested.

Claims 8, 10, 11, and 20 are rejected under 35 U.S.C. 102 as set forth in the office action dated 1/9/2001.

Claim 8 recites a plant pot including a pot body, the pot body having side walls and a bottom wall, and at least one leg, the at least one leg having side walls and a bottom wall. The first end of the at least one leg connected to the bottom wall of the pot body, and at least one hole disposed on the bottom wall of the leg, so that a fluid conduit enabling fluid communication to and from the pot body and exiting from the proximate to the second end of the leg, and the fluid absorbing material can not drop out of the leg.

Shackelford claims " a plurality of hollow anchor tubes extending downwardly from bottom wall portion for anchoring receptacle to the earth and having their hollow interiors in open communication ....." ( lines 10-13, column 6 ). Shackelford does not claimed the anchor tubes having a bottom wall portion.

Shackelford does not discloses the closed lower end having a hole to allow fluid communication even if Shackelford discloses a closed lower end. Also, Shackelford discloses " ..... initial growth is to take place indoors it may be desirable to use anchor

tubes having a closed lower end to prevent possible soil loss during movement. In most cases, however, the lower tube ends should be open to facilitate their insertion into the soil and provide better access for soil fluids between the surrounding and receptacle contained soil" ( lines 59-65, column 3 ). Thus, Shackelford teaches away from having a bottom wall portion with a hole disposed on it at the second end of the leg as claimed in claim 8. How does the " open communication" works if the lower end be closed with no hole disposed on it when the device take place indoors?

Shackelford claims ".....at least one soil containing peripheral wall portion merging with a bottom wall portion,....." ( lines 8-10, column 6 ). Clearly, " the bottom portion of the reference " is the receptacle bottom wall portion, it is the same portion which compare with the bottom wall portion of the pot body in the present invention, "the claimed base portion" is the bottom wall portion of the leg in the present invention. In Shackelford's invention, there is only one bottom wall portion: the receptacle bottom wall portion. In the present invention, there are two bottom wall portion: the bottom wall portion of the pot body and the bottom wall portion of the leg. If " a closed lower end " be counted in a bottom wall portion, the structure is still different which compare with the bottom wall portion of the leg in the present invention because the bottom wall portion of the leg having at least one hole disposed on it to allow fluid communication. Shackelford does not discloses that a closed lower end having a hole disposed on it to allow fluid communication.

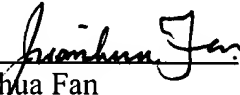
**Obviously, the structure with the function in the cited reference is different which compare with the present invention, and is not capable to be performed the same as the present invention do !** Therefore, Applicant respectfully submits that claim 8 patentably distinguishes over Shackelford. Claims 20 and 21, which

are dependent from claim 8, are also patentable.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance. Reconsideration of the application and a favorable response are respectfully requested.

Respectfully submitted,

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